THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 3131 OF 2001

O R D E R:

The Hindustan Petroleum Corporation Limited-the first respondent issued notification in August 2000 inviting applications for awarding LPG distributorships at various locations including the location at Kanchikacherla village, Krishna District. The distributorship for this place was notified under the reserved category of freedom fighters (woman). The petitioner as well as respondents 2 and 3 responded to the notification for the reserved category and their applications were processed by the Dealer Selection Board constituted by the Government of India. The Dealer Selection Board prepared a panel pursuant to its selection and in the said panel, the third respondent was placed at the top. On intimation of the same to the Hindustan Petroleum Corporation, it appointed the third respondent as a dealer for distribution of the gas at Kanchikacherla village. Aggrieved thereby, the petitioner has filed this writ petition.

Mainly this writ petition is filed on the ground that it was mentioned in the notification that while appointing the candidates for the distributorship priority would be given to the residents of the district concerned for which the distributorship was advertised. The petitioner is a resident of Kanchikicherla village of Kirshna district for which village the distributorship was notified. As such, as per the guidelines she should have been preferred to that of respondent No.3, who is not a resident of Krishna district. In fact, in the notification one of the eligibilities was that the candidates only from Krishna district are eligible to apply for the dealership.

Separate counter-affidavits have been filed on behalf of the first and second respondents. In the counter-affidavit filed on behalf of the first respondent, it is stated that the LPG distributorship at Kanchikacharla village was notified under the

reserved category of freedom fighters (woman) and as per the notification residents of any districts in the State/Union Territory are eligible to apply and preference would be given to the residents of the district, for which the distributorship was advertised. It is further stated that a duly constituted Dealer Selection Board, headed by a former Judge of this Court, processed the applications and prepared the panel and in the said panel, the third respondent was placed at the top as per the merit.

In the counter-affidavit filed on behalf of the Dealer Selection Board-second respondent, it is stated that the advertisement specifically stated that for the category of freedom fighters any person in the State who qualifies as a freedom fighter could apply and denied the allegation of the petitioner that freedom fighters from Krishna district are only eligible to apply. It is further stated that the Board conducted interviews as per the norms and guidelines prescribed by the Ministry of Petroleum, Government of India and empanelled the third respondent as the first candidate in the merit list. The fourth respondent and the petitioner were selected as candidate Nos.2 and 3. The selection was completely above Board and was not vitiated by any political interference.

The learned counsel for the petitioner submitted that the petitioner should have been preferred to that of third respondent while making the selection in view of the guidelines issued by the Government for the purpose of selecting the candidates for LPG distributorships and the selection of the third respondent is contrary to the said guidelines. In support of his argument he relied on the guidelines issued by the Government for awarding the LPG distributorships. Particular reference is made to guideline No.4, which reads as under.

"4.RESIDENCY.

i. SC/ST & PH Categories: Residents of the District of the advertised location and adjoining districts as mentioned in the advertisement with preference to the residents of the district where dealership is to be located.

ii. PMP, DC FF OSP Categories: residents of any district in the State with preference to the residents of the district in which the location is advertised."

However, it is submitted on behalf of the respondents that merely because a preference is provided to the residents of the district, that by itself cannot be a sole criterion for selecting the dealer. It is further contended that preference arises only on all other aspects being equal and in this case considering the various other aspects the distributorship was awarded to the third respondent, who was empanelled by the Dealer Selection Board consisting of respected persons including the former judge of this Court as the first candidate in the merit list.

With reference to the above it is to be stated that merely because a preference is given in the notification to the residents of the district for which the distributorship was advertised, the petitioner could not seek priority over all other candidates. A duly constituted Dealer Selection Board has processed the applications received for the same reserved category and selected the candidature of the third respondent after conducting interviews as per the norms and guidelines prescribed by the Government by placing her name at No.1 in the merit list. The question of preference arises on all other aspects being equal. Hence, taking into consideration all other aspects also, it appears that the third respondent was selected. In any event, the guidelines which are issued by the Government are for the purpose of internal guidance of the Selection Board and the Corporation, but the same will not give any enforceable right for the petitioner to agitate the matter seeking directions from this Court in a petition filed under Article 226 of the Constitution of India.

In this view of the matter, I do not find any illegality in the selection of the third respondent in view of the stand taken by respondents 1 and 2 that she was placed at top in the merit list prepared by a duly constituted Dealer Selection Board.

The writ petition is devoid of merits and is accordingly dismissed. No order as to costs.

(R.Subhash Reddy,J)

30th September, 2005

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